

**SENT TO GOVERNOR**

(April 6, 1993)

<b>S.B. 22</b>	<b>S.B. 267</b>
<b>S.B. 33</b>	<b>S.B. 380</b>
<b>S.B. 90</b>	<b>S.B. 468</b>
<b>S.B. 135</b>	

**FORTY-FIFTH DAY**

(Wednesday, April 7, 1993)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by Senator Harris of Dallas.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Luna, Madla.

A quorum was announced present.

The Reverend Harrison McLeod, Seminarian, Theological Seminary of the Southwest, Austin, offered the invocation as follows:

O God, the fountain of wisdom whose will is good and gracious and whose law is truth: we beseech You so to guide and bless our Senators that they may enact such laws as please You to the glory of Your name and the welfare of this people. Through Your name we pray. Amen.

On motion of Senator Armbrister and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

On motion of Senator Wentworth, Senator Madla was granted leave of absence for today on account of important business.

On motion of Senator Wentworth, Senator Luna was granted leave of absence for today on account of important business.

**CO-AUTHOR OF SENATE BILL 179**

On motion of Senator Parker and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 179.

**CO-AUTHOR OF SENATE BILL 738**

On motion of Senator Rosson and by unanimous consent, Senator Patterson will be shown as Co-author of S.B. 738.

**SENATE RESOLUTION 585**

Senator Ellis offered the following resolution:

WHEREAS, The Texas Senate is pleased to pause in its deliberations to congratulate one of its most highly regarded members, Senator Peggy Rosson, who is celebrating her birthday on April 11, 1993; and

WHEREAS, Since her election to the Senate in 1990, Senator Rosson has faithfully represented the 29th Senatorial District and continues to impress her constituency with her dedication to their needs and interests; and

WHEREAS, Bringing a notable background of accomplishment as chair of the Public Utility Commission, Senator Rosson is vice-chairman of the State Affairs Committee and ably serves on the committees on Economic Development, Intergovernmental Relations, and International Relations, Trade, and Technology; and

WHEREAS, A native of Indianapolis, Indiana, the esteemed senator has lived in El Paso since 1954 where she has been actively involved in community and governmental service; and

WHEREAS, The recipient of numerous honors and awards, Senator Rosson is recognized as an outstanding legislator well qualified to formulate the laws that affect all Texans; and

WHEREAS, She was chosen for the Texas Outstanding Public Service Award, SERTOMA Service to Mankind Award, El Paso Citizen of the Year 1991, Outstanding Legislator of the Year awards in 1991 and 1992, and the City of El Paso Conquistador Award for Public Service; and

WHEREAS, Director of Bank of the West in El Paso, Senator Rosson has dedicated her time and energies to the development of her community through her various civic activities; and

WHEREAS, The people of Texas and the citizens of her district are truly fortunate to have such an able and devoted public servant as their spokesman; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend best wishes to Senator Peggy Rosson for a most enjoyable birthday; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this accomplished senator as an expression of the admiration of the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Ellis, the resolution was adopted by a viva voce vote.

**SENATE RESOLUTION 586**

Senator Rosson offered the following resolution:

WHEREAS, The members of the Senate of the State of Texas are

pleased to pause in their deliberations to honor one of their hard-working colleagues, Senator Rodney Ellis, as he celebrates his birthday on April 7, 1993; and

WHEREAS, Born on April 7, 1954, Senator Ellis received his bachelor of arts degree from Texas Southern University, his master's degree from the Lyndon B. Johnson School of Public Affairs, and his law degree from The University of Texas School of Law; and

WHEREAS, From an early age his talents for leading others were evident; he was chosen to participate in the American Leadership Forum which is a national enterprise dedicated to developing the leadership skills of men and women who actively participate in public service in their communities; and

WHEREAS, Assuming office in 1990, Senator Ellis brought to his office a wealth of experience in government; he served his hometown of Houston as a city councilman for six years before he became a state senator; and

WHEREAS, The recipient of many awards and honors, Senator Ellis received the Sierra Club's Legislative Service Award for Clean Air; was named a "Superhero of the 72nd Legislature" by a coalition which included civil rights, environmental, and consumer advocacy groups and was the recipient of a 1992 Henry Toll Fellowship, awarded to 32 of the most promising young politicians around the country; and

WHEREAS, An outstanding public official, Senator Ellis has toiled unceasingly to ensure the continued growth and prosperity of his city and state; and

WHEREAS, The people of Texas and the citizens of the 13th Senatorial District are truly fortunate to have such an able and dedicated public servant as their spokesman; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend sincere birthday greetings with many happy returns to Senator Rodney Ellis; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of the esteem and respect of his colleagues in the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Rosson, the resolution was adopted by a viva voce vote.

#### MESSAGE FROM THE HOUSE

House Chamber  
April 7, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 30**, Relating to drug-free and weapon-free school zones and to the

imposition of penalties for the delivery, manufacture, or possession with the intent to deliver or manufacture a controlled substance in drug-free school zones or on school buses and penalties for certain offenses involving weapons committed in weapon-free school zones.

**H.B. 218**, Relating to employer's liability insurance.

**H.B. 346**, Relating to regulation of greywater.

**H.B. 372**, Relating to peace officers of hospitals in certain municipalities.

**H.B. 452**, Relating to the notice required for forfeiture and acceleration of indebtedness under an executory contract for conveyance of real property.

**H.B. 521**, Relating to the forfeiture of a bond in satisfaction of a fine and costs in a misdemeanor case punishable by fine only.

**H.B. 635**, Relating to campus security personnel commissioned as peace officers.

**H.B. 740**, Relating to the regulation of plumbing activities, including the installation of certain medical gas piping; providing a criminal penalty.

**H.B. 791**, Relating to the execution of wills and codicils to wills.

**H.B. 1166**, Relating to use of social security numbers of driver's license applicants to assist in child support enforcement.

**H.B. 1233**, Relating to emergency access to private land by persons designated by a commissioners court of a county.

**H.B. 1275**, Relating to appeals from a judgment of the municipal courts of record in Fort Worth.

**H.B. 1314**, Relating to criminal offenses involving prohibited substances in penal institutions or on property associated with penal institutions and the provision of prohibited substances to inmates of penal institutions.

**H.B. 1828**, Relating to personal property exempt from seizure.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### ANNIVERSARY ANNOUNCEMENT

Senator Sims announced to the Senate that today, April 7, 1993, is the 46th wedding anniversary of Mr. and Mrs. James Morris. Mr. Morris is the Doorkeeper for the Texas Senate.

The Senate extended congratulations to Mr. and Mrs. Morris.

#### CAPITOL PHYSICIAN

The Presiding Officer recognized Senator Turner, who presented Dr. Daniel Voss of Georgetown as the "Doctor for the Day."

Dr. Voss, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

### BILL SIGNED

The Presiding Officer announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read:

#### S.B. 81

#### SENATE BILL 384 WITH HOUSE AMENDMENTS

Senator Turner again called S.B. 384 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### Committee Amendment No. 1

Amend Article 3 of S.B. 384 by adding the following sections and renumbering the existing sections.

SECTION 3.01. Section 72.101, Property Code, is amended by amending Subsection (b) and deleting Subsections (c), (d), (e), (f), and (g).

(b) The three year period leading to a presumption of abandonment of stock or another intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, commences on the first date that either a sum payable as a result of the ownership interest is unclaimed by the owner, or a communication to the owner is returned undelivered by the United States Postal Service.

(1) The running of the three year period of abandonment ceases immediately upon the exercise of an act of ownership interest or sum payable or a communication with the association as evidenced by a memorandum or other record on file with the association or its agents.

(2) At the time an ownership is presumed abandoned under this section, any sum then held for interest or owing to the owner as a result of the interest, and not previously presumed abandoned, is presumed abandoned.

(3) Any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions or other sums payable as a result of the ownership interest is subject to the presumption of abandonment as provided by this section.

SECTION 3.02. Section 73.003, Property Code, is amended by amending Subsection (b) and adding Subsection (d).

(b) An account is inactive if for more than one year there has not been a debit or credit to the account because of an act by the depositor or an agent of the depositor, other than the depository; and the depositor has not communicated with the depository. A safe deposit box is inactive if the rental on the box is delinquent for more than one year.

(d) For purposes of presumption of abandonment under Section 73.101, the 5-year period of inactivity for accounts begins on the date of the last transaction or correspondence by the depositor. The 5-year period of

inactivity of safe deposit boxes begins on the date the rental was due but not paid.

SECTION 3.04. Section 74.401(a), Property Code, is amended to read as follows:

(a) Except as provided by Subsection (c), the State Treasurer shall sell at public sale all personal property, other than money and marketable securities, delivered to the State Treasurer in accordance with Section 74.301. The State Treasurer shall conduct the sale in the city in this state that the State Treasurer determines affords the most favorable market for the particular property.

SECTION 3.06. Section 74.402, Property Code, is amended to read as follows:

Before the 21st day preceding the day on which a public sale [~~public or private,~~] is held under Section 74.401, the State Treasurer shall publish notice of the sale in a newspaper of general circulation in the county where the sale is to be held.

SECTION 3.07. Section 74.503, Property Code, is amended to read as follows:

The State Treasurer [~~and the attorney general or their authorized agents jointly~~] shall consider the validity of each claim filed under this subchapter.

SECTION 3.08. Section 74.504, Property Code, is amended to read as follows:

(a) The State Treasurer [~~and the attorney general~~] may hold a hearing and receive evidence concerning a claim filed under this subchapter.

(b) If the State Treasurer [~~and the attorney general~~] considers that a hearing is necessary to determine the validity of a claim, [~~both~~] the State Treasurer [~~and the attorney general~~] shall sign the statement of the findings and the decision on the claim. The statement shall report the substance of the evidence heard and the reasons for the decision. The statement is a public record.

(c) If the State Treasurer [~~and the attorney general~~] determines that a claim is valid, the State Treasurer [~~they~~] shall approve and sign the claim.

SECTION 3.10. Section 74.507, Property Code, is amended to read as follows:

A person who informs a potential claimant that the claimant may be entitled to claim property that is reportable to the State Treasurer under this chapter, that has been reported to the State Treasurer, or that is in the possession of the State Treasurer, [~~or a person who files a claim under this subchapter for such property on behalf of a claimant,~~] may not contract for or receive from the claimant for services an amount that exceeds 10 percent of the value of the property recovered. If the property involved is mineral proceeds, the amount for services may not include a portion of the underlying minerals or any production payment, overriding royalty, or similar payment.

SECTION 3.13. Section 74.702(b), Property Code, is amended to read as follows:

(b) The State Treasurer, the attorney general, or an agent of either may not make public any information obtained by an examination made under this section and may not disclose that information except in the course of

a judicial proceeding, authorized by this chapter, in which the state is a party; or pursuant to an agreement with another state allowing joint audits or the exchange of information subject to this Section.

SECTION 3.14. Section 74.602(d), Property Code, is repealed.

**Amendment No. 2**

Amend S.B. 384 as follows:

In Section 1.06, amending Section 771.072(e), Health and Safety Code (page 5, line 14, House Committee Report), strike "is appropriated to the commission."

**Amendment No. 1 on Third Reading**

Amend S.B. 384 on third reading by amending the Martin amendment adopted on second reading to read as follows:

In Section 1.06, amending Section 771.072(e), Health and Safety Code (page 5, line 14, House Committee Report), strike "is appropriated" and substitute "shall be appropriated".

The amendments were read.

Senator Turner moved to concur in the House amendments to S.B. 384.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

**SENATE BILL 465 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 465**, Relating to the composition, powers, duties, and change of the name of the Interagency Council for Services for the Homeless.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 465 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 465** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE**

**SENATE BILL 281 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 281**, Relating to exempting certain facilities from licensure under the Personal Care Facility Licensing Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 281 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 281** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 795 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 795**, Relating to voluntary payroll deductions for state employees for charitable organizations; making an appropriation.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 795** by striking all below the enacting clause and substituting the following:

**SECTION 1. DEFINITIONS.** In this Act:

(1) "Campaign manager" means a local campaign manager or state campaign manager.

(2) "Charitable organization" means an organization that:

(A) is organized for charitable purposes under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) and its subsequent amendments or holds a certificate of authority issued under that Act;

(B) is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1986 as an organization described in Section 501(c)(3) of that code and to which contributions are deductible for income tax purposes under Section 170 of that code;

(C) fully complies with all applicable federal nondiscrimination law, including Chapter 21, Title 42, United States Code;

(D) fully complies with all state statutes and rules relating to charitable organizations; and

(E) is not a private foundation.

(3) "Direct services" means providing funds or programs for health and human services that directly benefit the recipients.



(4) "Eligible charitable organization" means a charitable organization that is determined to be eligible to participate in the state employee charitable contribution campaign as provided by Section 10 of this Act.

(5) "Federated community campaign organization" means a federation or fund that:

(A) has demonstrated expertise in conducting workplace charitable campaigns; and

(B) distributes funds raised through a cooperative community campaign to at least five agencies that provide direct services to residents of the campaign area.

(6) "Federation or fund" means an umbrella fundraising entity that:

(A) is a charitable organization;

(B) acts as an agent for at least five charitable organizations;

(C) is not organized exclusively to solicit contributions from state employees; and

(D) is supported by voluntary contributions by the public and is:

(i) incorporated in this state and has an established physical presence in this state in the form of an office or service facility that is staffed at least 20 hours a week; or

(ii) incorporated outside this state, includes at least 10 affiliated charitable organizations, has existed at least three years, and participates in state employee charitable campaigns in at least 10 other states.

(7) "Health and human services" means services provided by a charitable organization that:

(A) benefit citizens of this state, including children, youth, adults, elderly individuals, ill or infirm individuals, or individuals with a mental or physical disability; and

(B) consist of:

(i) human care, medical or other research, education, legal precedence, legislative action, advocacy before policy makers, or environmental protection or conservation in the field of human health, social adjustment, or rehabilitation;

(ii) relief for victims of natural disaster or other emergencies; or

(iii) assistance to impoverished individuals in need of food, shelter, clothing, or other basic needs.

(8) "Indirect services" means health and human services that:

(A) are not direct services; and

(B) demonstrably benefit citizens of this state.

(9) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(10) "International federation or fund" means a federation or fund whose affiliated charities provide direct and substantial charitable services to needy individuals of other nations.

(11) "Local campaign area" means the county or counties in which a local campaign manager conducts a state employee charitable campaign.

(12) "Local campaign manager" means a federated community campaign organization that is selected by the local employee committee as provided by Section 7 of this Act.

(13) "Local charitable organization" means a charitable organization that:

(A) provides direct or indirect health and human services; and

(B) is accessible to state employees in the local campaign area by maintaining:

(i) a publicly identified office with a professional or volunteer staff within the local campaign area that is open at least 20 hours a week during normal working hours; and

(ii) a locally listed telephone number.

(14) "Local employee committee" means a local state employee charitable campaign committee selected as provided by Section 6 of this Act.

(15) "State advisory committee" means the state employee charitable campaign advisory committee appointed under Section 5 of this Act.

(16) "State agency" means a department, commission, board, office, institution of higher education, or other agency of state government.

(17) "State campaign manager" means an eligible federated community campaign organization that is selected by the state policy committee to coordinate campaign operations with local campaign managers.

(18) "State employee" means an employee of a state agency.

(19) "State employee charitable campaign" means an annual campaign conducted in communities or areas in which state employees work to solicit contributions to eligible charitable organizations.

(20) "State policy committee" means the state employee charitable campaign policy committee appointed under Section 4 of this Act.

(21) "Statewide charitable organization" means a federation or fund and its affiliated agencies that:

(A) provides direct or indirect health and human services to residents of two or more noncontiguous standard metropolitan statistical areas of this state; and

(B) has demonstrated the federation or fund is accessible to state employees by maintaining:

(i) a staff or volunteer representative residing in this state who is accessible at least 20 hours a week during normal working hours; and

(ii) a toll-free long distance telephone number.

SECTION 2. DEDUCTION AUTHORIZED. (a) An employee of a state agency may authorize a deduction each pay period from the employee's salary or wage payment for a contribution. The comptroller by rule may establish a reasonable minimum deduction for each pay period.

(b) An authorization shall direct the comptroller to distribute the

deducted funds to participating federations or funds and local campaign managers as prescribed by rule.

(c) An authorization may designate an eligible charitable organization to receive the deductions. If an authorization does not designate an eligible charitable organization, the employee's deductions shall be distributed to each participating federation or fund and eligible local charitable organization in the proportion that the deductions designated for that charitable organization bear to the total of designated deductions in the local state employee charitable campaign.

(d) A deduction under this Act must be in the form prescribed by the comptroller.

(e) A state agency other than an institution of higher education is not required to permit employees to authorize a deduction under this Act until the first full payroll period after the agency is converted to a system in which uniform statewide payroll procedures are followed.

**SECTION 3. DURATION OF DEDUCTION.** (a) A deduction under this Act ends on:

(1) the first anniversary of the date it begins; or

(2) the effective date of a revocation of or change in the authorization by the employee.

(b) A state employee may revoke or change an authorization by giving notice to the employing state agency. The notice must be in the form and manner prescribed by the comptroller. A revocation or change takes effect when it is approved by the comptroller.

**SECTION 4. STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY COMMITTEE.** (a) The state employee charitable campaign policy committee consists of not more than 10 members.

(b) The governor may appoint not more than four members. The lieutenant governor and the comptroller may appoint not more than three members each.

(c) Each member of the state policy committee must be a state employee. The membership must represent employees at different levels of employee classification.

(d) Appointments shall be made to the state policy committee in a manner that ensures that the committee reflects the race, ethnicity, and national origin of the citizens of this state.

(e) The state policy committee has the duties provided by Section 9(c) of this Act.

**SECTION 5. STATE EMPLOYEE CHARITABLE CAMPAIGN ADVISORY COMMITTEE.** (a) The state employee charitable campaign advisory committee consists of eight members appointed by the governor.

(b) Four members must represent campaign managers. Four members must represent federations or funds that are not campaign managers.

(c) Appointments shall be made to the state advisory committee in a manner that ensures that the committee reflects the race, ethnicity, and national origin of the citizens of this state.

(d) The state advisory committee has the duties provided by Section 9(d) of this Act.

**SECTION 6. LOCAL STATE EMPLOYEE CHARITABLE CAMPAIGN COMMITTEE.** (a) The state policy committee shall appoint the presiding officer of a local state employee charitable campaign committee in each local campaign area.

(b) The presiding officer of a local employee committee shall recruit at least five but not more than 10 additional members. The members must represent different levels of employee classification.

(c) Each member of a local employee committee may vote on matters before the committee.

(d) Appointments shall be made to a local employee committee in a manner that ensures that the committee reflects the race, ethnicity, and national origin of the citizens of the local campaign area for which appointments are being made.

(e) A local employee committee has the duties provided by Section 9(e) of this Act.

**SECTION 7. LOCAL CAMPAIGN MANAGER.** (a) A local employee committee shall select a local campaign manager to conduct the state employee charitable campaign in the local campaign area.

(b) A local campaign manager must have demonstrated expertise to:

(1) provide effective campaign counsel and management; and

(2) serve as fiscal agent for the eligible local charitable organizations.

(c) A local campaign manager has the duties provided by Section 9(g) of this Act.

**SECTION 8. TERMS OF COMMITTEE MEMBERS; COMPENSATION.** (a) A member of the state advisory committee, the state policy committee, or a local employee committee serves a two-year term.

(b) A member of the state advisory committee, the state policy committee, or a local employee committee may not receive compensation for serving on the committee and is not entitled to reimbursement for expenses incurred in performing functions as a member of the committee.

**SECTION 9. ADMINISTRATION OF STATE EMPLOYEE CHARITABLE CAMPAIGN.** (a) A state employee charitable campaign shall be conducted each autumn. A state employee charitable campaign must be managed fairly and equitably in accordance with this Act and the policies and procedures established by the state policy committee.

(b) With the advice of the state advisory committee, the comptroller shall adopt rules for the administration of this Act.

(c) The state policy committee shall:

(1) establish local campaign areas based on recommendation by the state advisory committee;

(2) select the state campaign manager;

(3) determine the eligibility of federations or funds and their affiliated agencies for statewide participation in the state employee charitable campaign;

(4) approve the recommended campaign plan, budget, and generic materials to be used by campaign managers;

(5) oversee the state employee charitable campaign to ensure that all campaign activities are conducted fairly and equitably to promote unified solicitation on behalf of all participants; and

(6) perform other duties prescribed by the comptroller's rules.

(d) The state advisory committee shall:

(1) advise the comptroller and state policy committee in adopting rules and establishing procedures for the operation and management of the state employee charitable campaign;

(2) recommend the number, not to exceed 50, and geographic scope of local campaign areas to the state policy committee; and

(3) review and submit the recommended campaign plan, budget, and generic materials to be used by campaign managers.

(e) The local employee committee shall:

(1) contract with a federated community campaign organization to serve as the local campaign manager;

(2) determine the eligibility of local charitable organizations to participate in the state employee charitable campaign;

(3) in consultation with the local campaign manager, approve the recommended campaign plan, budget, and generic materials to be used by campaign managers;

(4) oversee the local state employee charitable campaign to ensure that all local campaign activities are conducted fairly and equitably to promote unified solicitation on behalf of all participants; and

(5) perform other duties prescribed by the comptroller's rules.

(f) The state campaign manager shall:

(1) develop a campaign plan;

(2) prepare a statewide campaign budget in cooperation with the local campaign managers;

(3) prepare generic materials to be used by campaign managers;

(4) coordinate and facilitate campaign services to state employees throughout the state;

(5) ensure that all state employee charitable campaign activities are conducted fairly and equitably to promote unified solicitation on behalf of all participants; and

(6) perform other duties prescribed by the comptroller's rules.

(g) A local campaign manager shall:

(1) in consultation with the local employee committee, develop a cooperative plan, budget, and local campaign materials for the local state employee charitable campaign;

(2) manage the local state employee charitable campaign and provide for the effective involvement of each participating federation or fund;

(3) ensure that all local state employee charitable campaign activities are conducted fairly and equitably to promote unified solicitation on behalf of all participants; and

(4) perform other duties prescribed by the comptroller's rules.

SECTION 10. ELIGIBILITY OF CHARITABLE ORGANIZATIONS IN GENERAL. (a) To be eligible to participate in a state employee charitable campaign, a charitable organization must:

(1) be governed by a voluntary board of citizens that meets at least twice each year to set policy and manage the affairs of the organization;

(2) if the organization's annual budget:

(A) does not exceed \$100,000, provide a completed Internal Revenue Service Form 990 and an accountant's review that offers full and open disclosure of the organization's internal operations; or

(B) exceeds \$100,000, be audited annually in accordance with generally accepted auditing standards of the American Institute of Certified Public Accountants; and

(3) not spend more than 25 percent of its annual revenue for administrative and fundraising expenses, unless the state policy committee grants the organization an exemption under Subsection (b) of this section.

(b) The state policy committee may grant a charitable organization a temporary exemption from the requirement of Subsection (a)(3) of this section if the committee finds that:

(1) the organization's administrative and fundraising expenses are reasonable under the circumstances; and

(2) the organization has a practical plan to reduce its administrative and fundraising expenses to 25 percent of its annual revenue within the next three years.

#### SECTION 11. ELIGIBILITY FOR STATEWIDE PARTICIPATION.

(a) A federation or fund that seeks statewide participation in a state employee charitable campaign must apply on behalf of itself and its affiliated agencies to the state policy committee during the annual eligibility determination period specified by the committee. The state policy committee shall review each application and may approve a federation or fund for statewide participation only if the federation or fund qualifies as a statewide charitable organization or as an international federation or fund. The state policy committee may approve an affiliated charitable organization for statewide participation only if the organization qualifies as a statewide charitable organization or is an affiliated agency of an international federation or fund.

(b) An affiliated organization of an eligible federation or fund that does not qualify as a statewide charitable organization because it does not provide services in two or more noncontiguous standard metropolitan statistical areas may apply to a local employee committee for participation in a local state employee charitable campaign.

(c) The state policy committee may use outside expertise and resources available to it to assess the eligibility of charitable organizations that seek to participate in a state employee charitable campaign.

(d) An appeal from a decision of the state policy committee shall be conducted in the manner prescribed by the committee. The appeals process must permit a charitable organization that is not approved for statewide participation to apply for participation in a local state employee charitable campaign.

SECTION 12. ELIGIBILITY FOR LOCAL PARTICIPATION. (a) A charitable organization that seeks local participation in a state employee charitable campaign must apply to the appropriate local employee

committee during the annual eligibility determination period specified by the state policy committee. The local employee committee shall review each application and may approve a charitable organization for local participation only if the organization qualifies as a local charitable organization, and is:

(1) an unaffiliated local organization; or

(2) a federation or fund or an affiliate of a federation or fund that is not approved for statewide participation.

(b) An appeal from a decision of a local employee committee shall be conducted in the manner prescribed by the state policy committee.

SECTION 13. FEES. (a) A campaign manager may not charge a fee to the comptroller, a state agency, or a state employee for the services the campaign manager provides in connection with a state employee charitable campaign.

(b) A campaign manager may charge a reasonable and necessary fee for actual campaign expenses to the participating charitable organizations in the same proportion that the contributions to that charitable organization bear to the total of contributions in the state employee charitable campaign.

(c) A fee under Subsection (b) of this section must be based on the combined expenses of the state campaign manager and each local campaign manager and may not exceed 10 percent of the total amount collected in the state employee charitable campaign unless the state policy committee approves a higher amount to accommodate reasonable documented costs.

(d) The comptroller shall charge an administrative fee to cover costs incurred by the comptroller and employing state agencies in the implementation of this Act to the charitable organizations participating in the first state employee charitable campaign conducted under this Act in the same proportion that the contributions to that charitable organization bear to the total of contributions in that campaign. The comptroller shall charge an administrative fee to cover costs incurred by the comptroller and employing state agencies in the administration of this Act to the charitable organizations in each subsequent state employee charitable campaign in the same proportion that the contributions to that charitable organization bear to the total of contributions in that campaign. The comptroller shall determine the most efficient and effective method of collecting the administrative fee and shall adopt rules for the implementation of this section.

(e) An institution of higher education that is authorized to operate a payroll system reimbursable from the state treasury shall charge an administrative fee to the participating charitable organizations to cover the actual costs incurred in the administration of this Act. The fee shall be assessed and collected annually and shall be charged in the same proportion that the contributions to the charitable organization bear to the total contributions in that campaign.

SECTION 14. FUNDRAISING PRACTICES. The fundraising practices of a participating charitable organization must:

(1) be truthful and consumer-oriented;

(2) clearly identify and distinguish community-based organizations from statewide and international organizations; and

(3) assure protection against:

(A) unauthorized use of a list of contributors to the organization;

(B) payment of commissions, kickbacks, finder fees, percentages, bonuses, or overrides for fundraising;

(C) mailing unordered merchandise or tickets with a request for money in return; and

(D) general telephone solicitation of the public.

**SECTION 15. MISAPPLICATION OF CONTRIBUTIONS.** (a) If the state policy committee has reason to believe that a participating charitable organization, a campaign manager, or a local employee committee has misapplied contributions under this Act, the state policy committee may request the comptroller or state auditor to audit the person.

(b) If an audit under this section reveals gross negligence or intentional misconduct on the part of a campaign manager or a local employee committee, the state policy committee shall remove the campaign manager or local employee committee. A person removed under this subsection is not eligible to serve in the capacity from which the person was removed before the fifth anniversary of the date the person was removed.

(c) If an audit under this section reveals intentional misconduct on the part of a campaign manager or a local employee committee, the state policy committee shall forward its findings to the appropriate law enforcement agency for further action.

(d) The attorney general may bring an action in a court of competent jurisdiction to recover misapplied contributions.

(e) If an investigation or lawsuit results in a recovery of misapplied contributions and there is not a judgment distributing the amounts recovered, the state policy committee shall instruct the comptroller as to the manner of refunding contributions to the appropriate state employees.

**SECTION 16. VOLUNTARY PARTICIPATION.** (a) Participation by a state employee in a state employee charitable campaign is voluntary. Each campaign manager, local employee committee, charitable organization, state employee, and state agency shall inform state employees that deductions are voluntary.

(b) The comptroller shall adopt rules establishing a process for hearing employee complaints regarding coercive activity in a state employee charitable campaign.

**SECTION 17. CONFIDENTIALITY.** Except as necessary to administer this Act or on written authorization of the employee, the following information is confidential:

(1) whether a state employee has authorized a deduction under this Act;

(2) the amount of a deduction authorized by a state employee under this Act; and

(3) the name of a federation or fund or local charitable organization that a state employee has designated to receive contributions under this Act, unless the employee has executed a written pledge card or other document indicating that the employee wishes to receive an acknowledgement from the designated charitable organization.



**SECTION 18. EXEMPTION FOR INTERNATIONAL FEDERATION OR FUND.** An international federation or fund is exempt from the requirements of this Act relating to:

(1) maintenance of an established physical presence in this state; and

(2) the provision of health and human services to citizens of this state.

**SECTION 19. APPROPRIATION.** In addition to other amounts appropriated to the comptroller or an employing state agency for the fiscal biennium beginning September 1, 1993, the administrative fees authorized by Section 13 of this Act are appropriated to the comptroller and the employing state agencies for the fiscal biennium beginning September 1, 1993, to administer this Act.

**SECTION 20. TRANSITION.** An institution of higher education is not required to permit employees to authorize a deduction under this Act until the first full payroll period that occurs after six months after the publication of rules adopted under this Act.

**SECTION 21. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

Senator Carriker offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 795 by striking all above the enacting clause and substituting the following:

**A BILL TO BE ENTITLED  
AN ACT**

relating to voluntary payroll deductions for state employees for charitable organizations that provide health and human services; making an appropriation.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 795 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 795 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Shapiro.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

**SENATE BILL 885 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 885**, Relating to revolving fund programs administered by the Texas Water Development Board to provide financial assistance to political subdivisions.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 885 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 885** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE BILL 1272 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1272**, Relating to the allocation and reservation system for private activity bonds and to the definition of certain bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1272 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1272** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1273 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1273**, Relating to the issuance of obligations by certain issuers and the execution of credit agreements relating to the obligations.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1273 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1273** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**SENATE BILL 833 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 833**, Relating to the provision of long-term care services to certain persons with mental retardation.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 833 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 833** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 1042 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1042**, Relating to the regulation of on-site sewage disposal systems; providing civil and administrative penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

(Senator Haley in Chair)

**SENATE BILL 1042 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional

Rule requiring bills to be read on three several days be suspended and that S.B. 1042 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by a viva voce vote.

#### **RECORD OF VOTE**

Senator Carriker asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Harris of Dallas in Chair)

#### **COMMITTEE SUBSTITUTE SENATE BILL 179 ON SECOND READING**

Senator Parker asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 179, Relating to hunting in state parks.

There was objection.

Senator Parker then moved to suspend the regular order of business and take up C.S.S.B. 179 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Montford, Nelson, Parker, Patterson, Ratliff, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, Whitmire.

Nays: Barrientos, Moncrief, Rosson, Truan, West, Zaffirini.

Absent-excused: Luna, Madla.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTES**

Senators Barrientos and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 179 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 179 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Montford, Nelson, Parker, Patterson, Ratliff, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire.

Nays: Barrientos, Moncrief, Rosson, Truan, Zaffirini.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 5. (Same as previous roll call)

#### **HOUSE BILL 424 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 424**, Relating to the application of the professional prosecutors law to the district attorney of the 83rd Judicial District.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **H.B. 424** as follows: On page 1, line 40, strike the following: Fayette,

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

#### **HOUSE BILL 424 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 424** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by a viva voce vote.

#### **FLOOR PRIVILEGES GRANTED**

On motion of Senator Moncrief and by unanimous consent, floor privileges were granted to Joey Longley of the Sunset Advisory Commission during the deliberation of **C.S.S.B. 510**.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 510 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 510**, Relating to the continuation and operation of the Department of Public Safety, to the access that entities have to criminal history record information maintained by the department and certain other criminal justice agencies, and to the transfer of responsibility for law enforcement in the Capitol Complex from the General Services

Commission to the Department of Public Safety; creating offenses; providing penalties.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend C.S.S.B. 510 by striking Section 26 of the bill, inserting new sections to the bill to be numbered appropriately, and renumbering the other sections of the bill appropriately:

SECTION 26. Section 23, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The Department may not reinstate a license suspended under Section 22(b)(16) of this Act until:

~~[(1)] the court that filed the report for which the license was suspended files an additional report on final disposition of the case[; and~~

~~[(2) the person whose license has been suspended pays to the Department a fee of \$25 in addition to any other fees required by law].~~

(d) The Department may not reinstate a license suspended or revoked under Section 22 of this Act unless the person whose license was suspended or revoked makes application to the Department for reinstatement of the person's license and pays to the Department a reinstatement fee of \$50. The Department shall remit all fees collected under this subsection to the comptroller for deposit in the general revenue fund.

SECTION 27. Section 26, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 26. SURRENDER AND RETURN OF LICENSE. The ~~[(a) Except as limited by Subsection (b) of this section, the]~~ Department, upon suspending or revoking a license, shall require that such license shall be surrendered to and be retained by the Department except that at the end of the period of suspension of such license, the license so surrendered shall be returned to the licensee.

~~[(b) The Department may not return a license or reinstate a privilege to operate a motor vehicle suspended under Section 24(a-1) of this Act, unless the person whose license or privilege was suspended makes application to the Department for reinstatement of the person's license or privilege and, in addition to any other fee required by law, pays to the Department a reinstatement fee of Five Dollars (\$5.00).~~

~~[(c) Fees paid under this section shall be deposited in the state treasury to the credit of the Operator's and Chauffeur's License Fund and shall be appropriated only to the Department to administer the provisions of this Act.]~~

SECTION 28. Section 2, Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (Article 67011-5, Vernon's Texas Civil Statutes), is amended by adding Subsection (j) to read as follows:

(j) The Texas Department of Public Safety may not reinstate a license suspended under this section unless the person whose license was suspended makes application to the Texas Department of Public Safety for reinstatement of the person's license and pays to the Texas Department of Public Safety a reinstatement fee of \$50. The Texas Department of Public Safety shall remit all fees collected under this subsection to the comptroller for deposit in the general revenue fund.

SECTION 29. Subsection (h), Section 13, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(h) If a person convicted of an offense under Article 67011-1, Revised Statutes, is punished under Subsection (c) of that article and is placed on probation, the court shall require, as a condition of the probation, that the defendant attend and successfully complete before the 181st day after the day probation is granted an educational program jointly approved by the Texas Commission on Alcohol and Drug Abuse, the Department of Public Safety, the Traffic Safety Section of the ~~Texas Department of~~ [State Department of Highways and Public] Transportation, and the ~~community justice assistance division of the Texas Department of Criminal Justice~~ [Texas Adult Probation Commission] designed to rehabilitate persons who have driven while intoxicated. The Texas Commission on Alcohol and Drug Abuse shall publish the jointly approved rules and shall monitor, coordinate, and provide training to persons providing the educational programs. The Texas Commission on Alcohol and Drug Abuse is responsible for the administration of the certification of approved educational programs and may charge a nonrefundable application fee for the initial certification of approval and for renewal of a certificate. The judge may waive the educational program requirement, however, if the defendant by a motion in writing shows good cause. In determining good cause, the judge may consider but is not limited to: the offender's school and work schedule, the offender's health, the distance that the offender must travel to attend an educational program, and the fact that the offender resides out of state, has no valid driver's license, or does not have access to transportation. The judge shall set out the finding of good cause in the judgment. If a person is required, as a condition of probation, to attend an educational program, the court clerk shall immediately report that fact to the Department of Public Safety, on a form prescribed by the department, for inclusion in the person's driving record. The report must include the beginning date of the person's probation. Upon the successful completion of the educational program, the person shall give notice to the probation department. The probation department shall then forward the notice to the court clerk. The court clerk shall then report the date of successful completion of the educational program to the Department of Public Safety for inclusion in the person's driving record. If the department does not receive notice that a person required to complete an educational program has successfully completed the program within the period required by this section, as shown on department records, the department shall suspend the person's driver's license, permit, or privilege or prohibit the person from obtaining a license or permit, as provided by Section 24(g)(2), Chapter 173, Acts of the 47th Legislature, Regular

Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes). The department may not reinstate a license suspended under this subsection unless the person whose license was suspended makes application to the department for reinstatement of the person's license and pays to the department a reinstatement fee of \$50. The department shall remit all fees collected under this subsection to the comptroller for deposit in the general revenue fund. This subsection does not apply to a defendant if a jury recommends probation for the defendant and also recommends that the defendant's driver's license not be suspended.

The amendment was read and was adopted by a viva voce vote.

Senator Rosson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 510 as follows:

Page 33, lines 17 and 18, should read:

SECTION 32. Chapter 411, Government Code, is amended by adding Section 411.127 to read as follows:

On page 33, line 19, replace "Sec. 76.010," with "Sec. 411.127."

On page 33, line 25, replace "this chapter," with "Chapter 76. Human Resources Code."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 510 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 510 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 576 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 576**, Relating to the regulation of compressed natural gas and liquefied natural gas industry.

The bill was read second time and was passed to engrossment by a viva voce vote.



**COMMITTEE SUBSTITUTE  
SENATE BILL 576 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 576 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 936 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 936**, Relating to the coordination of leave policies and worker's compensation for school employees.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Amend **S.B. 936** as follows:

(1) In Section 13.904 (f), SECTION 1, after the phrase, "provision of law," insert "assault".

(2) In Section 13.904 (f), SECTION 1, after the phrase, "will equal 100% of the employee's" delete "daily" and insert "weekly".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 936 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 936** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 842 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 842**, Relating to the power of certain licensing agencies to issue subpoenas in enforcement proceedings.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 842 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 842 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time.

Question—Shall the bill be finally passed?

**SENATE BILL 1125 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1125**, Relating to the right of a motorcycle operator to complete a motorcycle operator training course to have a misdemeanor traffic violation charge dismissed.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1125 ON THIRD READING**

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1125 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**FLOOR PRIVILEGES GRANTED**

On motion of Senator Ellis and by unanimous consent, floor privileges were granted to Pat Williams of the Committee on Criminal Justice during the deliberation of C.S.S.B. 456.

**COMMITTEE SUBSTITUTE  
SENATE BILL 456 ON SECOND READING**

Senator Ellis asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 456**, Relating to the punishment for certain offenses motivated by hate and to the eligibility for deferred adjudication, probation, or parole for persons charged with or convicted of those offenses.

There was objection.

Senator Ellis then moved to suspend the regular order of business and take up C.S.S.B. 456 for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Harris of Dallas.

Absent-excused: Luna, Madla.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Amend C.S.S.B. 456 by striking Section 1 of the bill and substituting a new Section 1 to read as follows:

SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.48 to read as follows:

Sec. 12.48. PENALTY FOR HATE CRIME. (a) Except as otherwise provided by this subsection, the punishment for an offense listed in Subsection (b) of this section is increased to the punishment prescribed for the next highest category of offense if it is shown by a preponderance of the evidence at the punishment phase of the trial of the offense that the defendant was motivated in whole or in part to commit the offense because of the race, color, ethnicity, religion, national origin, or sexual orientation of the victim or the actor's perception of the race, color, ethnicity, religion, national origin, or sexual orientation of the victim. If the offense is a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days. If the offense is murder under Section 19.02 of this code, first degree aggravated assault under Section 22.02 of this code, or first degree arson under Section 28.02 of this code, the minimum term of imprisonment for the offense is increased to 10 years.

(b) This section applies to an offense under the following sections of this code:

- (1) Section 19.02 (Murder);
- (2) Section 20.02 (False imprisonment);
- (3) Section 20.03 (Kidnapping);
- (4) Section 22.01 (Assault);
- (5) Section 22.011 (Sexual assault);
- (6) Section 22.02 (Aggravated assault);
- (7) Section 28.02 (Arson); or
- (8) Section 42.07 (Harassment).

(c) For the purposes of Subsection (a) of this section, if the offense for which punishment is to be increased is arson otherwise punishable as a felony of the second degree under Section 28.02 of this code, any owner of the property that is the subject of the offense is a victim of the offense.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 456 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 456 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Madla.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Harris of Dallas asked to be recorded as voting "Nay" on the final passage of the bill.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 7, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 58**, Expressing appreciation to Carlton Van Doren for his 25 years of service to the people of the State of Texas.

**S.C.R. 60**, Expressing sincere appreciation to Dr. Louis Hodges for his 25 years of service to the people of Texas.

Respectfully,  
BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 590**

Senator Haley asked unanimous consent to suspend all necessary rules and take up for consideration at this time the following resolution:

**S.R. 590**, Authorizing each house of the legislature to create a general investigating committee.

There was no objection.

The resolution was read and was adopted by a viva voce vote.

**BILL AND RESOLUTION SIGNED**

The Presiding Officer announced the signing of the following enrolled bill and resolution in the presence of the Senate after the captions had been read:

**H.B. 995**  
**H.J.R. 3**

**NOTICE OF SESSION TO HOLD  
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and

Uncontested Bills Calendar would be held at 10:30 a.m. Tuesday, April 13, 1993, and that all bills would be considered on second reading in the order in which they are listed.

#### **MEMORIAL RESOLUTIONS**

**S.R. 562** - By Armbrister: In memory of Nora Elizabeth Nava Kraatz of Victoria.

**S.R. 564** - By Turner: In memory of Richard P. "Dickie" Westmoreland of Madisonville.

**S.R. 574** - By Turner: In memory of Lela Vincent Fuchs of Bryan.

**S.R. 575** - By Turner: In memory of Grace I. Stubblefield of Williamson County.

**S.R. 576** - By Turner: In memory of Sol Bunnell of Taylor.

**S.R. 577** - By Turner: In memory of Louis Edwin Biar of Giddings.

**S.R. 578** - By Turner: In memory of W. K. Bill Walters of Crockett.

#### **CONGRATULATORY RESOLUTIONS**

**S.R. 563** - By Turner: Recognizing Mrs. Ruth Hunt for her contributions as unofficial counselor to freshmen at Texas A&M University over the years.

**S.R. 565** - By Turner: Commending the Honorable Sarah Ryan, who was recently named the 1993 Public Citizen of the Year by the Brazos Valley Unit of the National Association of Social Workers.

**S.R. 566** - By Turner: Congratulating Mr. and Mrs. C. W. Teel of Mexia on the occasion of their 50th wedding anniversary.

**S.R. 567** - By Turner: Congratulating Mrs. Era Thetford of Grapeland on the occasion of her 80th birthday.

**S.R. 568** - By Turner: Congratulating Mr. and Mrs. Thomas G. Kilgore of Ratcliff on the occasion of their 50th wedding anniversary.

**S.R. 569** - By Turner: Recognizing Sherry Morrison for her 18 years of loyal service as city clerk for Taylor.

**S.R. 570** - By Turner: Congratulating Jeff Lear of Georgetown on achieving the rank of Eagle Scout.

**S.R. 571** - By Turner: Congratulating Dr. and Mrs. Alvin A. Price of College Station on the occasion of their 50th wedding anniversary.

**S.R. 572** - By Turner: Congratulating Leatrice Hensley of Marlin on the occasion of her 101st birthday.

**S.R. 573** - By Turner: Congratulating J. W. and Ellouise Cook of North Zulch on the occasion of their 50th wedding anniversary.

**S.R. 579** - By Turner: Recognizing Dr. Jeanne Rierison of College Station for earning the Outstanding Contribution by a Minority Engineering Program Administrator Award.

**S.R. 580** - By Brown: Recognizing Lake Jackson on the occasion of its 50th anniversary.

**S.R. 581** - By Luna: Congratulating Darylin Smith on achieving the rank of Eagle Scout.

**S.R. 582** - By Luna: Congratulating Bryan Lopez of San Antonio on achieving the rank of Eagle Scout.

**S.R. 583** - By Luna: Congratulating Roger Gage of San Antonio on achieving the rank of Eagle Scout.

**S.R. 584** - By Luna: Congratulating Matt Patlovany of San Antonio on achieving the rank of Eagle Scout.

**S.R. 587** - By Ellis: Congratulating Jaci Wilson, who is moving to Washington, D.C., to accept a position with Senator Carol Moseley Braun.

**S.R. 588** - By Ellis: Recognizing Daniel Webster Bankhead on the occasion of his recent selection as a Young Black Achiever of Houston by Human Enrichment of Life Programs, Incorporated.

**S.R. 589** - By Ellis: Recognizing the Ninth Annual Jennie Riley Day Celebration in La Porte on May 23, 1993.

#### RECESS

On motion of Senator Truan, the Senate at 11:05 a.m. recessed until 10:30 a.m. Tuesday, April 13, 1993, for the Local and Uncontested Bills Calendar.

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#### APPENDIX

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#### REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 7, 1993

ADMINISTRATION — H.B. 947

STATE AFFAIRS — S.B. 781, S.B. 782, C.S.S.B. 851, S.B. 907, S.B. 1035, C.S.H.B. 941, C.S.S.B. 1160